

**NURSING HOME ADMINISTRATOR EXAMINING BOARD
MINUTES
SEPTEMBER 16, 2004**

PRESENT: Dr. Robert Kessler, Jerry Schallock, Mary Ann Clark, Mary K. Lease, Mary Pike, David Egan, Patricia Schulz (via telephone), Kenneth Arneson (via telephone), and Patricia Benesh (via telephone)

EXCUSED: Roxann Sobek

STAFF PRESENT: Jerry Lowrie, Bureau Director, Pat Schenck, Program Assistant, Ruby Jefferson-Moore, Legal Counsel and Division of Enforcement Staff

CALL TO ORDER

Jerry Schallock, Chair, called the meeting to order at 9:35 a.m. A quorum of nine members was present.

AGENDA

MOTION: Patricia Schultz moved, seconded by David Egan, to approve the agenda as published Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 17, 2004

MOTION: Mary Ann Clark moved, seconded by David Egan, to approve the minutes of June 17, 2004 as written. Motion carried unanimously.

ELECTION OF VICE CHAIR

MOTION: Mary Ann Clark moved, seconded by Mary Lease, to nominate David M. Egan as Vice Chair. Motion carried unanimously.

**ADMINISTRATIVE REPORT
JERRY LOWRIE, BUREAU DIRECTOR, BUSINESS AND DESIGN
BOARD ROSTER**

Add an additional e-mail address for Mary Ann Clark
maryannclark@cumberlandmemorialhospital.com

Mr. Lowrie introduced the new Board member Mary Pike and thanked her for her participation on the Board. Ms. Pike gave a brief background on her interest in serving as a member on the Board.

2004 MEETING DATES

The next meeting is November 11, 2004.

Mary K. Lease will be out of the Country on November 11, 2004 and unable to attend.

2005 MEETING DATES

Noted.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

Noted.

TO DO LIST

Noted.

TRAVEL NAB 2004 ANNUAL MEETING, NEW YORK, NY, JUNE 16-18, 2004 REPORT – DAVID EGAN

Mr. Egan attended the NAB 2004 Annual Meeting in New York on June 16-18, 2004 and reported on the highlights of the meeting. Some of the highlights included:

- Increasing member dues from \$750 to \$1100 effective January 1, 2005. Dues will include free registration for each regular member board or agency to either the Annual or Mid-Year Meeting.
- A task group was established to review and make recommendations to enhance the NAB web site.
- The NHA Exam Committee reviewed four new examination forms and sixteen new pre-test blocks.
- A sub-committee was established to review past documentation on development of common standards for licensure of nursing home administrators.
- Common standards and reciprocity are the primary goals for the Committee.
- The Committee requested that NAB staff develop a database to facilitate transfer of licensure data between jurisdictions for purposes of endorsement/reciprocity.

NAB 2004 MID-YEAR MEETING, NOVEMBER 3 - 5, 2004 THE SUNBURST RESORT, SCOTTSDALE, AZ

The Board will not be attending this meeting but will attend the NAB 2005 Annual Meeting on June 15-17, 2005.

**NAB 2005 ANNUAL MEETING JUNE 15 - 17, 2005
SHERATON BOSTON HOTEL BOSTON, MA**

The Board will nominate a representative on March 17, 2005 to represent the Board at the NAB 2005 Annual Meeting on June 15-17, 2005 in Boston, MA.

**LEGISLATIVE UPDATE
HFS 132 AND 134 – HEARING UPDATE**

The Board briefly discussed the summary of proposed changes.

DISCUSSIONS AND ACTIONS RELATING TO REVISIONS TO CH. 456. STATS.

The Board reviewed Ch. 456 stats. to determine if any changes will be needed in relation to 2003 Assembly Bill 16. Mr. Lowrie will distribute a copy of the 2003 Assembly Bill 16 to the Board. The Board will review Assembly Bill 16 prior to making a determination on whether to make changes to Chapter 456 stats. 2003 Assembly Bill 16 will be included in the November agenda.

**REVIEW AND DISCUSSION OF STUDY RESULTS: LEGAL PRACTICE INDEX FOR
NURSING HOME ADMINISTRATORS
THE CENTER FOR HEALTH WORKFORCE STUDIES,
SCHOOL OF PUBLIC HEALTH, UNIVERSITY AT ALBANY**

The Board reviewed and discussed the study results and legal practice index for nursing home administrators prepared by the Center for Health Workforce Studies, School of Public Health, University at Alabama.

PRACTICE ISSUES

None.

**CREDENTIALING/REINSTATEMENT/RENEWAL
CRIMINAL BACKGROUND CHECKS**

Ms. Jefferson-Moore reported on the Department's Emergency Rule regarding criminal background checks and distributed a copy of the Departments rule changes taking into account the emergency rule. Ms. Jefferson-Moore requested that the Board review the rules and make recommendations, if any. The Board requested a revision to the RL rule to include all new applicants and reinstatement applicants.

MOTION: Robert Kessler moved, seconded by Mary Lease, that the Department conducts criminal records and FBI fingerprint checks on all new applicants, and reinstatement applicants. Motion carried unanimously.

The Board discussed RL 4.09 at length.

MOTION: David Egan moved, seconded by Robert Kessler, to request that the language in RL 4.09 (2) require that credential holders self report within 48 hours after the entry of the judgment of conviction and also that they be required to submit a copy of the judgment of conviction and criminal complaint within three business days after the entry of the judgment of conviction. Motion carried unanimously.

**EDUCATION/EXAMINATION ISSUES
PLANNING FOR ANNUAL REVIEW OF STATE EXAMINATION
DARWIN TICHENOR**

Darwin Tichenor reported on the performance of the examination questions and whether revisions to HFS 132 will reflect the examination questions.

The Board will review exam questions with Mr. Tichenor at the November 11, 2004 Board meeting in closed session. Patricia Benesh will contact Mr. Tichenor with the effective date on revisions to HFS 132.

**CONTINUING EDUCATION
REQUEST FOR CONTINUING EDUCATION APPROVAL
GENE A. NELSON
SUSAN Z. LANGE**

Dr. Barbara Showers discussed continuing education issues with the Board. The Minnesota Board has a comprehensive system, approves their continuing education providers, and does not go through NAB for approval. The Board's decision is to refer the applicant to the Wisconsin rules regarding NAB approved course provider requirement for continuing education credits. Courses taken by NAB approved course providers are the only continuing education credits Wisconsin will accept. Dr. Showers will correspond with Gene A. Nelson and Susan Z. Lange.

MOTION: Jerry Schallock moved, seconded by Robert Kessler, that the Wisconsin Nursing Home Administrators Examining Board strictly adheres to the NHA 3 regarding approval of NAB approved providers for continuing education credits. Motion carried unanimously

Wisconsin will research why Minnesota does not go through NAB for continuing education provider approvals. Mr. Lowrie will research Minnesota, Illinois, Iowa, Michigan continuing education requirements regarding accepting continuing education providers. The Board will discuss this issue at the November 11, 2004 meeting.

**CONTINUING EDUCATION GUIDELINES, DISCUSSION ON CREDITS AWARDED
FOR COLLEGE COURSES AND TEACHING OF SUCH COURSES**

David Egan will draft a proposal on accepting college courses towards continuing education credits. Currently, courses taken by NAB approved course providers are the only continuing education credits Wisconsin will accept.

Most other jurisdictions will accept college courses towards continuing education credits. The Board suggested that colleges providing the courses submit a request for course approval through NAB.

The Board will discuss David Egan's draft proposal at the November 11, 2004 meeting.

BOARD MEMBER ACTIVITY

None.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

None.

NEW BUSINESS

None

**PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF
ENFORCEMENT OR ANY THAT MAY BE SUBMITTED AFTER PRINTING OF THE
AGENDA**

None.

CLOSED SESSION

MOTION: Patricia Schulz moved, seconded by Mary Ann Clark, to convene the meeting in Closed Session pursuant to sections 19.85(1)(a), (b), (f) and (g), Wis. Stats.: to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person, and to discuss the case status report and case closings. Roll Call Vote: Dr. Robert Kessler-yes; Patricia Schulz-yes; Mary Ann Clark-yes; Jerry Schallock-yes; Mary K. Lease-yes; Kenneth Arneson-yes; Mary Pike-yes; and David Egan-yes. Motion carried unanimously.

Open Session recessed at 12:17 p.m.

The Board deliberated on pending applications, case closings, monitoring issues, and an administrative warning in Closed Session.

RECONVENE IN OPEN SESSION

MOTION: David Egan moved, seconded by Robert Kessler, to reconvene in Open Session at 1:10 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

**MONITORING
VINCENT BERGSTROM 01 NHA 018**

MOTION: Robert Kessler moved, seconded by David Egan, to grant Vincent Bergstrom request for a 3-month stay of suspension. Robert Kessler, case advisor. Motion carried.

CASE CLOSINGS

03 NHA 003 and 03 NHA 013

MOTION: David Egan moved, seconded by Patricia Schulz, to close cases **03 NHA 003 and 03 NHA 013** for prosecutorial discretion (P3). David Egan, case advisor. Motion carried.

01 NHA 001

MOTION: Mary Ann Clark moved, seconded by David Egan, to close case **01 NHA 001** for insufficient evidence. Jerry Schallock, case advisor. Motion carried.

03 NHA 023

MOTION: Robert Kessler moved, seconded by Mary Ann Clark, to close case **01 NHA 023** for no violation. David Egan, case advisor. Motion carried.

02 NHA 009

MOTION: Mary Lease moved, seconded by David Egan, to close case **02 NHA 009** for prosecutorial discretion (P2). David Egan, case advisor. Motion carried.

03 NHA 001

MOTION: David Egan moved, seconded by Patricia Schulz, to close case **03 NHA 001** for no violation. Patricia Schulz, case advisor. Motion carried.

ADMINISTRATIVE WARNING

Mike Berndt, Attorney, Division of Enforcement, met with the Board to discuss the Department's process on issuing administrative warnings. The Board would like a presentation from a staff member from the Division of Enforcement regarding case advisors receiving background information on administrative warning cases.

04 NHA 002

Deferred to the November 11, 2004 meeting. Patricia Schulz, case advisor.

04 NHA 004

Deferred to the March 17, 2005 meeting. Robert Kessler, case advisor.

STIPULATION

None.

PENDING APPLICATIONS

None.

OTHER SUCH ITEMS AS AUTHORIZED BY LAW

None.

ADJOURNMENT

MOTION: David Egan moved, seconded by Mary Lease to adjourn the meeting at 1:14 p.m. Motion carried unanimously

NEXT MEETINGS: NOVEMBER 11, 2004